IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.18161 of 1999

Dated: 10-04-2007

Between:

M/s. Kesoram Cements, Basanthnagar,
Ramagundam Mandal, Karimnagar District,
Prop: Kesoram Industries Ltd., rep. by its
Sr. Manager (P) P. Rama Rao.

... Petitioner

and

1. The District Collector, Karimnagar and 2 others.

... Respondents

ORDER:

Heard learned counsel for the parties.

2. Petitioner, a company, states that it purchased the land in an extent of Ac.4-09 guntas in Sy.No.578 situated at Kannal village of erstwhile Peddapally taluk of Karimnagar District under registered sale

deeds dated 29-06-1967 and 19-05-1969 from its lawful owner for a valuable consideration. It's name is reflected in the revenue records from the year 1968-69, 1969-70 and onwards. In response to a proposal made by the Superintendent of Police, Karimnagar, it has executed a relinquishment deed in Form-C, to part with its land in an extent of Ac.2-00 to provide for construction of Raghavapur Police Station. Subsequently, it has got constructed factory, staff quarters and other structures in the said land and has been in lawful possession and enjoyment of the same. While so, third respondent – Mandal Revenue Officer issued the impugned notice, under Section 6 of the Andhra Pradesh Land Encroachment Act, 1905 (for short, 'the Act'), dated 07-08-1999 in File No.B/1096/93, calling upon to vacate the land in an extent of Ac.2-09 guntas in Sy.No.578 of Kannal village within 15 days from the date of service of notice, stating that the Mandal Revenue Inspector concerned is authorized to carryout the eviction and take possession of the aforesaid land. Challenging the said notice,
the present writ petition has been filed.

3. Despite the fact that the notices are served, respondents have not chosen to file any counter affidavit.

4. From a perusal of the provisions of law it is clear that before issuing any notice under Section 6 of the Act, the authorities shall hold an enquiry as provided for under Section 7 of the Act, but in the instant case evidently the notice provided for under Section 7 of the Act was not issued.

5. Accordingly, the writ petition is allowed and the impugned notice dated 07-08-1999 is set aside. However, it does not preclude

the authorities from issuing a notice as provided for under Section 7 of the Act and thereafter proceed in accordance with law.

JUSTICE GOPALAKRISHNA TAMADA

Dt.10-04-2007
GLV